

Town of Nolensville
Board of Mayor and Alderman Meeting
Date: July 6, 2006, Time 7:00 p.m.
Nolensville Elementary School

Mayor Tommy Dugger opened the meeting at 7:02 p.m. Members present were Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger, Larry Felts and Beth Weaver-Lothers. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 48 citizens present.

Mr. Willis Wells led the prayer and pledge.

Citizens Input:

Ms. Vicki Nielson, 4532 Sawmill Place, stated that she was concerned about the road directly behind her home. She noted this is a temporary road and there is another road on the other side of the development that is a construction road. She stated that this is a hazard to children and has taken up "open space" that has been designated for this development.

Ms. Beth Valentine, 4549 Sawmill Place, stated that she has concerns on the designated construction road also. The construction road has been extended and several children live on this road. This is not only an inconvenience, although it is dangerous. Ms. Valentine stated that she had spoken to C & K Developers and they told her that the Nolensville Board of Mayor and Aldermen approved this road and it had to remain. She asks the board to reconsider this designation.

Mr. Ken Norman, 4545 Sawmill Place, stated that his real concern was safety. He noted that a construction road already existed at lots 310 and 311. They have extended this road and taken up more green space. He asked the board to look at an alternate route.

Ms. Nancy Kirby, 7388 Nolensville Road, stated that she did not think there was a more patriotic town than the Town of Nolensville. She stated that she felt very strongly about flying the American Flag. Ms. Kirby stated that due to the sensitivity of this issue, the board should reconsider the display of the American Flag.

Mr. James Putman, 605 Candleshoe, stated that he did not care how many flags were flown as long as you do not step on it or damage the flag. He noted that he has flown a flag in his yard since he moved to Nolensville and this should be allowed.

Ms. Angie Shaffer, 2030 Williams Road, stated that her first thought was that people are allowed to burn the flag for freedom of speech. It is ludicrous that law-abiding citizens are not allowed to display a flag. There are men and women who continue to fight for our country to allow the flag to be displayed. The people should not stand for this.

Mr. Grady Shotwell, Rocky Fork Road, noted that his father gave the hat he was wearing to him. He said to deny him the right to have a flag is not right. He demonstrated to the crowd an ornament that played music and waved the American Flag.

Mr. Tom Seville, 722 Cowan, stated that he moved to Nolensville two weeks ago and has noticed there is a water rationing. He stated that this concerns him due to the development being only 25% built out.

Mr. Aubrey Short, Rockwood Drive, noted that when he approached Nolensville from the south end and witnessed the banners that were flown by Tant's he knew this was in violation of the town ordinance. He noted that Tant's has made this an American Flag issue. This is totally establishment is totally disrespecting the town by flaunting this as an American Flag issue.

Ms. Lynda Moses, Rock Springs Road, stated that approximately 12 years ago she worked on the Williamson County Sign ordinance. She noted that people from Nolensville filled these rooms with their concerns. She stated that the county learned a lot from the Nolensville citizens. As a result of these meetings Williamson County has a good sign ordinance. Nolensville may want to re-look at their sign ordinance.

Mayor Dugger stated that the board and town are not unpatriotic. He then turned the floor over to Engineer Woodroof to address the flag issue.

Mr. Woodroof stated that this issue began some time ago. Tant's initially put up pink banner flags that violated the zoning ordinance. They were notified of the violation. Tant's stated that the banners were being flown to honor Easter. The ordinance allows flying these for holidays and Tant's was notified to have them removed after the Easter Holiday. After Easter Tant's stated that these banners were in honor of the Orthodox Catholic Holiday. They were allowed to fly these, but were told to remove them within the allowed timeframe after the holiday. Tant's was issued a citation and came to court due to non-compliance of the ordinance. The town requested that the judge not fine Tant's, although require that they come into compliance with the ordinance. The American flags were displayed for the 4th of July Holiday. Per the ordinance these may be flown, but should be reduced to three after the holiday.

Mayor Dugger stated that he could assure everyone that this board is not unpatriotic or un-American. He further noted that any board member could bring an amendment to amend the zoning ordinance.

Mayor Dugger stated that in regards to the water issue, every developer must bring a letter from the Nolensville-College Grove Utility stating that they have water capacity. The town will not give approval without this document.

Alderman Curtsinger asked what is the cushion. He asked what was the availability. Engineer Woodroof stated that he did not know what the cushion was and this question would need to be directed to the Utility Company, due to this being a private entity. Alderman Alexander stated that this happens in Metro frequently and is a non-issue.

Mayor Dugger then introduced Mr. Gary Buchanan, with the Williamson County Fair, to the board. He noted that Mr. Buchanan requested to address the board and audience.

Mr. Buchanan thanked the board for allowing him to be here. He distributed an informational folder to the board in regards to the Williamson County Fair. Mr. Buchanan commended Ms. Betty Friedlander on her hard work with this committee. He asked the board to attend a booth during the fair as the Ambassadors of Nolensville.

Alderman Felts made a motion to approve the minutes from the regular meeting of June 6, Alderman Alexander seconded. Alderman Weaver-Lothers noted that the 4th paragraph from the bottom, on page 7, should reflect an additional comment made by her. She stated that the review

should be for lot sizes five to eight thousand square feet versus 10-acre residential areas. With the addition to the minutes the approval was unanimous.

Mayor Dugger made a motion to approve the treasurer's report that was before the board. Alderman Weaver-Lothers seconded. Alderman Curtsinger requested a more concise breakdown of the figures noting the \$10,000 in police line item. With this request the report was approved unanimously.

Committee reports:

Mr. Willis Wells reported for the Planning Commission.

- Noted citizens comments in regards to temporary fireworks and moving buildings
- National Business Products was approved
- Texaco variance in Haley Industrial Park was denied
- Bent Creek Phase I final plat performance bond passed
- Nolen Park Lot 10 curbing was discussed

Alderman Curtsinger asked if it was attached to the deed. Engineer Woodroof stated that it was not and if the Board of Mayor and Aldermen decide to change it, then it could be voted on by this board. Alderman Curtsinger asked how the homeowner would be advised. Mr. Woodroof stated that signs would be posted on the property.

- Nichols property can proceed with preparation of plats
- Commercial zoning request passed
- Non-conforming use passed
- Historic Commission revisions passed
- Mr. McNeely with C&K Development addressed the Commission in regards to burial lots
- Monthly bond report was approved

Ms. Betty Friedlander reported for the Historic Commission.

- No business came before the board last month
- Request will be before the board this month
- Several questions have been asked in regards to the feed mill application

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- There are three new members, 27 total personnel, two completed rookie program
- Ten pagers have been replaced
- New Assistant Chief, Jim Finley
- Nick Combs, new Training Officer
- Recruitment continuing for Explorers
- Stat sheet has been distributed with a comparison sheet for previous year
- Nolensville Police Department was thanked for their overall performance

Rich Woodroof reported for the Code's Department

- 20 new permits issued
- Completed 405 building inspections
- 83 sprinkler inspections performed
- Met with Florence and Hutcheson in regards to study approved last month

Chief Paul Rigsby reported for the Police Department

- A written report was submitted
- Totals for the department has doubled this month
- New car was purchased today from Fairview
- Noted on July 5, Chief has been with town for one year – he thanked the board for their support

Mayor Dugger reported for the Public Works Department

- A written report was submitted to the board

Mayor's report:

Mayor Dugger noted that he was honored to be the judge for ice cream at the Greystone Homeowners Association Fireworks display. He noted that there was approximately 1,500 in attendance and would like to see this become a town project. Mayor Dugger acknowledged the good “fellowship” that was had by all.

Mayor Dugger noted that the Planning Commission should receive notification of a conference in their packet. He further stated that the town would send any member to attend this function, although town hall must be notified by July 14th.

Mayor Dugger noted that the state submitted a letter to the town certifying the census number as 3,343.

Mayor Dugger further noted the speed trailer was posted on Baronswood Drive by the county. He stated that 85% of the traffic was driving the speed limit. According to traffic studies 85% is a good percentage.

The Mayor noted that medical insurance rates have increased by approximately 11% and this is being revisited.

Mayor Dugger announced that a vacancy existed on the Planning Commission. Mr. Rick Owens had expressed an interest in this vacancy. He noted that Mr. Owens had served on this commission in previous years and is familiar with the process. Alderman Felts stated that Rick would be a good addition to the commission. Mayor Dugger made a motion to approve Mr. Owens for this position, Alderman Alexander seconded and this passed by majority. Mayor Dugger, Aldermen Alexander, Felts and Weaver-Lothers for, Alderman Curtsinger abstained noting that he did not know Mr. Owens.

First reading of Ordinance #06-12, an ordinance to amend the zoning Ordinance 04-09, of the Town of Nolensville to address non-conforming uses. Counsel Notestine noted that there have

been some changes within state law. Planner Laird noted that this ordinance aligns the zoning ordinance with state law.

Mr. Larry Gardner, York Road, stated that it was his understanding that this was imposed for the fireworks stand, therefore it was for existing businesses and not new businesses. Counsel Notestine stated that the fireworks zoning was voted on and approved in the past couple of months by the board.

Alderman Alexander made a motion to pass this ordinance, Alderman Felts seconded. Alderman Curtsinger inquired how the property would be handled if it were sold. Engineer Woodroof stated that if the property was used as a residence, it must remain a residence. If the property was used as commercial it has 30 months to be used as commercial or they lose that “use”. The vote was then taken, with unanimous approval.

First reading of Ordinance #06-13, an ordinance to amend the zoning ordinance 04-09, the Town of Nolensville to address Historic Zoning Commission. Counsel Notestine noted this is an attempt to “clean up” language in the ordinance in regards to the Historic Zoning Commission. He noted the various changes that have been proposed by the Planning Commission. Betty Friedlander stated that she would like to encourage the board to pass this ordinance. She noted that there currently is a problem with language that addresses quorum requirements, in addition to a 30-day filing time frame. If the request is not acted upon within that 30-day period the request is granted without Commission consideration. Alderman Felts made a motion to approve this ordinance, Alderman Weaver-Lothers seconded and this passed unanimously.

First reading of Ordinance #06-14, an ordinance to amend the zoning map of the Town of Nolensville to amend an area currently zoned Suburban Residential (SR) to Commercial Services (CS) with a Commercial Corridor Overlay (CCO). Counsel Notestine stated that this would change the zoning for a parcel of land that is approximately 5 ½ acres. Planner Laird stated that a public hearing would be held next month. Adjacent property owners will receive a letter, in addition to a sign being located on the property noting the request. Property owners will be able to voice any concerns at the public hearing. Alderman Alexander made a motion to approve this ordinance, Mayor Dugger seconded and this passed unanimously.

First reading of Ordinance #06-15, an ordinance to regulate the floodplain. Mayor Dugger stated that this ordinance would bring the town in compliance with FEMA. Engineer Woodroof stated that Article 5 of the zoning ordinance will be revamped and will be brought to the board. Alderman Felts made a motion to approve this ordinance, Alderman Curtsinger seconded and this passed unanimously.

Reading of Resolution #06-15, a resolution to address flood insurance. Counsel Notestine stated that this is the same issue as above. An ordinance takes two readings with the resolution only taking one reading. Mayor Dugger made a motion to approve this resolution, Alderman Alexander seconded and this was approved unanimously.

Reading of Resolution #06-16, a resolution to establish responsibility of carrying out an investment policy. Counsel Notestine stated that when a city invests money there should be a resolution to acknowledge that investment.

Mr. David Rowland, Meadow Creek, stated that Peoples Bank is not collateralized and is not a member of the collateralized pool. The town’s funding should only be deposited in a

collateralized pool establishment.

Mr. Aubrey Short, Rockwood Drive, stated that the town has had their money in First Tennessee Bank since the town incorporated. Why is it being moved?

Mayor Dugger stated that the bank must be 105% collateralized, contrary to what has been said. He further noted the town is not taking all of the funds out of First Tennessee Bank. This is a new facility that will have their headquarters within the town. Additionally, the town will be allowed to earn a higher interest on these funds. Alderman Felts stated that he had a concern that an individual would go to First Tennessee Bank and make a statement that the town is removing all of their funds and placing them in Peoples State Bank. Alderman Felts noted that the statement was untrue and should not have been said. Alderman Curtsinger stated that he did not feel that an investment decision should be given to one individual. The research that he has done, with other governmental entities, establish a finance committee. The finance committee makes recommendations to the board. Alderman Curtsinger stated that this bank is not in the collateralized pool. He further stated that there maybe some conflict due to a site-plan that will be presented for the new construction of their office. Alderman Curtsinger stated that the town does not have a capital investment plan and to give this power to an individual without financial background is wrong. I think there are people within the community with this ability. Alderman Felts made a motion to approve this resolution, Alderman Alexander seconded. This resolution passed by majority with Mayor Dugger, Aldermen, Alexander, Felts and Weaver-Lothers for, Alderman Curtsinger against.

Reading of Resolution #06-17, a resolution to establish a design review committee. Counsel Notestine stated that state law allows cities to establish a design committee. He did note that it is not mandatory. Mayor Dugger noted that this committee has been meeting and commended Alderwoman Weaver-Lothers and her committee for the hard work and great job they have performed. Alderwoman thanked John Lenderman for the advertisement that he has done on the website. Additionally she thanked the members of this committee, Bob Haines, Betty Friedlander, Matt Happel, Travis Blount, Don Cox, Carla Ediger, Steve Bosh, due to relocation has been replaced by David Verner. She further noted that this committee has met with Peoples State Bank and Mr. Yazidian in regards to the construction of their property. Mayor Dugger made a motion to approve this resolution, Alderman Alexander seconded and this resolution passed unanimously.

Code of Ethics:

Counsel Notestine stated that this has come to the board for discussion for sometime. He noted that new state legislation has passed a law that cities must establish a code of ethics by July 1, 2007. He stated that if cities pass the MTAS version that is the end of the process. If a city passes another code of ethics, it has to go before the State Ethics Committee for review.

Mr. Aubrey Short, Rockwood Drive, noted that the conduct of meetings was adopted in the early stages of Nolensville. This was Roberts Rule of Order. He further noted that he has given a copy of his comments to Alderman Felts.

Alderman Felts stated that there are several reasons he has moved forward with the code of ethics. He stated that he has received permission from Battle Creek, Michigan to use this document. The town has gone through a lot of unnecessary conflict. False information continues to be distributed. He asked the board, with all that has taken place, to look at adopting

this code of ethics. Alderman Felts thinks it is time that one is adopted. The citizens need to know they can trust the people they voted for.

Alderman Weaver-Lothers asked if the board could have a workshop to further discuss this with the Planning Commission, Board of Zoning Appeals and all the commissions of the town.

Mayor Dugger stated that he agreed that it is vital that the people know the backgrounds of board members. The people should know if there are liens or judgments on a board member.

Alderman Alexander stated that he feels we need to move forward with a code of ethics. Something needs to be on the books.

Alderman Curtsinger stated that he thinks there should be a motion on the floor. He asked if this was an ordinance or resolution.

Counsel Notestine suggested that this be placed on the agenda being in ordinance or resolution form. Alderman Curtsinger stated that the MTAS sample has been reviewed and the ouster law is covered. It is a simple clean document.

Mayor Dugger stated that he is not opposed to having a workshop to discuss this. The board was in agreement to have a workshop prior to the next meeting.

Annual Storm Water Meeting:

Town Engineer Woodroof opened the annual meeting at 9:00 noting this is the requirement that is set out by the State of Tennessee. He stated that the town is in the MS4 and this was put into place to help the streams. The Board of Mayor and Aldermen is the Town Committee. Currently we are in the process of adopting Williamson County manual to help protect streams when development occurs. This document will go before the Planning Commission for their recommendation. The Annual Report will be submitted to the State in September. The financing for training has been incorporated in the permit process as an Erosion Control fee for commercial \$300 and for residential \$150. With no further business the meeting closed at 9:05.

Other:

Mayor Dugger noted that Mike Walker with the City of Brentwood has presented a couple of options for the Waller Road issue. The board discussed the various options. It was agreed to discuss this during the workshop with the Code of Ethics.

With no further business, Mayor Dugger made a motion to adjourn, Alderman Curtsinger seconded, and the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster
Town Recorder

Walter T. Dugger, III
Mayor